

106TH CONGRESS
1ST SESSION

S. 1707

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 1999

Mr. THOMPSON (for himself and Mr. FRIST) introduced the following bill;
which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that—

5 (1) Inspectors General serve an important func-
6 tion in preventing and eliminating fraud, waste, and
7 abuse in the Federal Government; and

1 (2) independence is vital for an Inspector Gen-
 2 eral to function effectively.

3 **SEC. 2. CERTAIN DESIGNATED FEDERAL ENTITIES AS ES-**
 4 **TABLISHMENTS UNDER THE INSPECTOR**
 5 **GENERAL ACT OF 1978.**

6 (a) IN GENERAL.—The Inspector General Act of
 7 1978 (5 U.S.C. App.) is amended—

8 (1) in section 8G(a)(2)—

9 (A) by striking “Amtrak,”;

10 (B) by striking “the Board of Governors of
 11 the Federal Reserve System,”;

12 (C) by striking “the National Science
 13 Foundation,”; and

14 (D) by striking “the Tennessee Valley Au-
 15 thority, the United States International Trade
 16 Commission, and the United States Postal
 17 Service;” and inserting “and the United States
 18 International Trade Commission;”; and

19 (2) in section 11—

20 (A) in paragraph (1) by striking “or the
 21 Commissioner of Social Security, Social Secu-
 22 rity Administration;” and inserting “the Com-
 23 missioner of Social Security, Social Security
 24 Administration; the Reform Board of Amtrak;
 25 the Board of Governors of the Federal Reserve

System; the National Science Board, National Science Foundation; the Postmaster General of the United States Postal Service; or the Board of Directors of the Tennessee Valley Authority;” and

(B) in paragraph (2) by striking “or the Veterans’ Administration, or the Social Security Administration;” and inserting “the Veterans’ Administration, the Social Security Administration, Amtrak, the Board of Governors of the Federal Reserve System, the National Science Foundation, the United States Postal Service, or the Tennessee Valley Authority;”.

(b) EXECUTIVE SCHEDULE POSITION.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Small Business Administration the following:

“Inspector General, Tennessee Valley Authority.

“Inspector General, Amtrak.

“Inspector General, Board of Governors of the Federal Reserve System.

“Inspector General, National Science Foundation.”.

1 (c) CONFORMING AMENDMENTS.—Section 8G of the
 2 Inspector General Act of 1978 (5 U.S.C. App.) is
 3 amended—

4 (1) in subsection (a)(4) by striking all after “of
 5 this section” through the end and inserting a semi-
 6 colon;

7 (2) in subsection (c) by striking “Except as
 8 provided under subsection (f) of this section, the”
 9 and inserting “The”;

10 (3) by striking subsection (f); and

11 (4) in subsection (g) by striking paragraph (3).

12 **SEC. 3. SPECIAL PROVISIONS CONCERNING THE UNITED**
 13 **STATES POSTAL SERVICE.**

14 (a) IN GENERAL.—The Inspector General Act of
 15 1978 (5 U.S.C. App.) is amended—

16 (1) by redesignating sections 8G (as amended
 17 by section 2), 8H, and 8I as sections 8H, 8I, and
 18 8J, respectively; and

19 (2) by inserting after section 8F the following:

20 “SPECIAL PROVISIONS CONCERNING THE UNITED STATES
 21 POSTAL SERVICE

22 “SEC. 8G. (a) In carrying out the duties and respon-
 23 sibilities specified in this Act, the Inspector General of the
 24 United States Postal Service shall have oversight responsi-
 25 bility for all activities of the Postal Inspection Service, in-
 26 cluding any internal investigation performed by the Postal

1 Inspection Service. The Chief Postal Inspector shall
2 promptly report the significant activities being carried out
3 by the Postal Inspection Service to such Inspector Gen-
4 eral.

5 “(b) Notwithstanding any provision of paragraph (7)
6 or (8) of section 6(a), the Inspector General of the United
7 States Postal Service may select, appoint, and employ
8 such officers and employees as may be necessary for car-
9 rying out the functions, powers and duties of the Office
10 of Inspector General and to obtain the temporary or inter-
11 mittent services of experts or consultants or an organiza-
12 tion of experts or consultants, subject to the applicable
13 laws and regulations that govern such selections, appoint-
14 ments, and employment, and the obtaining of such serv-
15 ices, within the United States Postal Service.

16 “(c) Nothing in this Act shall restrict, eliminate, or
17 otherwise adversely affect any of the rights, privileges, or
18 benefits of employees of the United States Postal Service,
19 or labor organizations representing employees of the
20 United States Postal Service, under chapter 12 of title 39,
21 United States Code, the National Labor Relations Act,
22 any handbook or manual affecting employee labor rela-
23 tions with the United States Postal Service, or any collec-
24 tive bargaining agreement.

1 “(d) There are authorized to be appropriated, out of
 2 the Postal Service Fund, such sums as may be necessary
 3 for the Office of Inspector General of the United States
 4 Postal Service.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) REDESIGNATIONS IN THE INSPECTOR GEN-
 7 ERAL ACT OF 1978.—Section 8J of the Inspector
 8 General Act of 1978 (5 U.S.C. App.) (as redesign-
 9 nated by subsection (a) of this section) is
 10 amended—

11 (A) by striking all beginning with “section
 12 8” through “this Act” and inserting “section 8,
 13 8A, 8B, 8C, 8D, 8E, 8F, 8G, or 8I of this
 14 Act”; and

15 (B) by striking “8G(a)” and inserting
 16 “8H(a)”.

17 (2) RELATING TO TITLE 39, UNITED STATES
 18 CODE.—

19 (A) BOARD OF GOVERNORS.—Section 202
 20 of title 39, United States Code, is amended by
 21 striking subsection (e).

22 (B) DEFINITION.—Section 102 of title 39,
 23 United States Code, is amended by striking
 24 paragraph (4) and inserting the following:

“(4) ‘Inspector General’ means the Inspector General of the United States Postal Service, appointed under section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.);”.

(C) POSTAL EMPLOYMENT POLICY.—Section 1003 of title 39, United States Code, is amended—

(i) in subsection (a), in the first sentence by striking “chapters 2 and 12 of this title, section 8G of the Inspector General Act of 1978, or other provision of law,” and inserting “chapter 2 or 12 of this title, subsection (b) or (c) of this section, or any other provision of law,”;

(ii) in subsection (b), by striking “respective” and inserting “other”; and

(iii) in subsection (c), by striking “included” and inserting “includes”.

(3) RELATING TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 304C(b)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d(b)(1)) is amended by striking “8G” and inserting “8H”.

1 (c) INCUMBENT INSPECTOR GENERAL; AUTHORIZA-
2 TION OF APPROPRIATIONS.—

3 (1) IN GENERAL.—If the position of Inspector
4 General of the United States Postal Service is occu-
5 pied on the effective date of this Act (other than by
6 a person serving due to a vacancy arising in that po-
7 sition before the expiration of a term of the prede-
8 cessor of that person), then, for purposes of the pe-
9 riod beginning on such effective date and ending on
10 January 5, 2004, or, if earlier, the date on which
11 such person ceases to serve in that position, the pro-
12 visions of title 39, United States Code, and the In-
13 spector General Act of 1978 (5 U.S.C. App.) shall
14 be applied as if the amendments made by this sec-
15 tion had not been enacted, except as provided in
16 paragraph (2).

17 (2) AUTHORIZATION OF APPROPRIATIONS.—

18 (A) IN GENERAL.—Notwithstanding any
19 other provision of this subsection or section 5 of
20 this Act, section 8G(d) of the Inspector General
21 Act of 1978 (as amended by this section) shall
22 be effective for purposes of fiscal years begin-
23 ning on or after October 1, 2000.

24 (B) SAVINGS PROVISION.—For purposes of
25 the fiscal year ending on September 30, 2000,

1 funding for the Office of Inspector General of
2 the United States Postal Service shall be made
3 available in the same manner as if this Act had
4 never been enacted.

5 (3) ELIGIBILITY OF PRIOR INSPECTOR GEN-
6 ERAL.—Nothing in this Act shall prevent any person
7 who has served as Inspector General of the United
8 States Postal Service at any time before the effective
9 date of this Act from being appointed to that posi-
10 tion pursuant to the amendments made by this Act.

11 **SEC. 4. INCUMBENT INSPECTORS GENERAL.**

12 The person serving on the effective date of this Act
13 as Inspector General of each designated Federal entity
14 (other than the United States Postal Service) made an es-
15 tablishment under this Act—

16 (1) may continue such service until the Presi-
17 dent makes an appointment under section 3(a) of
18 the Inspector General Act of 1978 (5 U.S.C. App.)
19 consistent with the amendments made by this Act;
20 and

21 (2) shall be subject to section 8H (c) and (d)
22 of the Inspector General Act of 1978 (5 U.S.C.
23 App.) (as redesignated by section 3 of this Act) as
24 applicable to the appropriate head of the establish-
25 ment as amended by this Act, unless that person is

1 appointed by the President, by and with the advice
2 and consent of the Senate, to be Inspector General
3 of that establishment.

4 **SEC. 5. EFFECTIVE DATE.**

5 The amendments made by this Act shall take effect
6 30 days after the date of enactment of this Act.

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